SETTING OF QUESTION PAPERS FOR PUBLIC EXAMINATIONS AND DEPARTMENTAL TESTS

76. Mr. M. Krishna Menon *(Trichur-North):* Will Government be pleased to state.—

(*a*) whether in setting question papers for Public Examinations and Departmental tests only Government servants are engaged;

(*b*) if the answer to (*a*) is in the affirmative, whether the Government have any objection in engaging others?

Mr. P. V. Raphael *(Comptroller of Finance and Accounts):*

(*a*) For Public Examinations Government servants as well as others are appointed for setting question papers. But for Departmental tests Government servants alone are nominated as examiners.

(*b*) For Departmental Tests Government officers are considered more fit than non-officials to be examiners and hence non-officials cannot be nominated as examiners.

STORAGE OF WATER—KOLE CULTIVATION

77. Mr. K. Narayana Menon *(Mulakunnathukavu):* Will Government be pleased to state.—

(*a*) whether they have not been having repeated representations made to them about the failure of the project undertaken regarding the storage of water for kole cultivation in the Chittilappilly Firka;

(*b*) if answer to (*a*) is in the affirmative will Government be pleased to give up this experiment which has proved to be abortive and productive of serious losses to the poor agriculturists?

Mr. V. K. Aravindaksha Menon *(Chief Engineer):*

(*a*) No.

(*b*) No answer is necessary in view of answer to (*a*).

INVITEES TO THE DARBAR AND TRAFFIC REGULATIONS

78. Mr. L. M. Pylee (*Latin Christians-Ernakulam*): Will Government be pleased to state.—

(*a*) whether it is not a fact that invitees who came in rickshaws to attend the Darbar on the occasion of the installation of His Highness the Maharaja were compelled by the Police on duty to alight at the gate of the Darbar Hall grounds so that they had to walk from the gate to the Darbar Hall; and

(*b*) whether any direction in this matter had been given to the Police on duty by higher authorities, and if so, what?

Khan Sahib Y. Muhammad Roshan Sahib Bahadur (*Commissioner of Police*):

(*a*) In the general scheme of bandobust arrangements for the Darbar, separate parking arrangements were made for fast-moving and slow-moving vehicles. The parking place for the slow-moving vehicles was on the gate-side, behind the Guard of Honour. When the time came for the arrival of His Highness all traffic was stopped and facilities created for the invitees to alight at the gate and walk into the hall instead of driving right into the portico—a distance of just a few paces.

(*b*) The Commissioner and Deputy Commissioner of Police were personally regulating the traffic and attending to the facilities of the invitees.

POLICE OFFICERS—TRAVEL IN SERVICE BUSES

79. Mr. T. S. Ramachandra Ayyar (*Chittur-Tattamangalam*): Will Government be pleased to state.—

(*a*) whether the Rules allow the Officers of the Police Department to travel free in service buses plying for hire on our roads;

(*b*) if so, is the privilege enjoyed by all members of the Police force or by the Officers only;

(*c*) is the privilege extended to Officers and men of any other Department; if so, the name of the Department or Departments;

(*d*) if the rules do not allow such free travelling, are the Government aware that such free travelling is indulged in by our Police Officers;

(*e*) do the Government admit that such free travelling is bound to affect prejudicially the independence and integrity of our Officers;

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(*f*) will Government be pleased to issue strict instructions to the Officers, not to abuse their privileged position and warn them that such abuse of power will be severely dealt with ;

(*g*) do Government admit that all passengers in service buses when they buy tickets have equal rights ;

(*h*) have Officers of Government, however highly placed, special privileges when they travel in service buses ;

(*i*) are the Government aware, that passengers having got tickets and taken their seats already, are asked to vacate seats for the use of Officers and made to occupy seats in the back, less comfortably situated ;

(*j*) will the Government be pleased to note that people in the predicament described above submit to this treatment, simply because of their unwillingness to be involved in a scene and to avoid a wordy warfare ;

(*k*) will Government please note that conductors in buses are placed in a delicate situation when Officers expect preferential treatment when travelling in Public Conveyances—and privileges they are not legally entitled to ;

(*l*) are the Government aware that Police Officers and Officers in general on the way side, at times give intimation to the conductor or driver of a bus, that they mean to travel by that bus and keep it waiting on the road, for as long a time as suits their convenience or pleasure and the consequent inconvenience caused to the travelling public;

(*m*) if they are entitled to do this, will the Government be pleased to extend this privilege to all passengers ;

(*n*) will Government be pleased to note that in the nature of things they cannot expect complaints to be lodged about such misconduct and abuse of power on the part of their Officers ;

(*o*) so, will Government be pleased to issue instructions to their Officers that they are servants of the public and that when conscious of their power to maintain Law and Order or carry on the machinery of Government in general, they at the same time should keep in mind their duties and responsibilities to the public and that when travelling in a public conveyance they are entitled only to those rights to which any common citizen is entitled to?

Khan Sahib Y. Muhammad Roshan Sahib Bahadur (*Commissioner of Police*) :

(*a*) No.
(*b*) Does not arise.
(*c*) Does not arise.
(*d*) No.
(*e*) Does not arise.
(*f*) Does not arise.
(*g*) Yes.
(*h*) No.
(*i*) No.
(*j*) Yes.
(*k*) Yes.
(*l*) No.
(*m*) Does not arise.
(*n*) Yes.
(*o*) There is no need to issue any such instructions in view of the answers given to the above sub-division.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam) :* Is it the position of the Government that they are not aware of the facts underlying the allegation or is it that these facts have not been brought to their notice.

Khan Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Police):* Which allegation ?

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* The allegation implied in these questions.

Kahn Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Poilce):* The allegations have not been brought to the notice of the Government.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Is it the position of the Government that in such matters the Government won't take action on their own volition, but want to depend on second hand evidence.

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Kahn Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Police):* The Government's position is very clear that any such allegation can be brought to their notice through some representation.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Have not the Government of Cochin eyes to see.

Mr. V. K. Bhaskara Menon *(Cranganur):* Yes.

Mr. A. Eachara Menon *(Chittur-Rural):* No.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamanglam):* Will Government be pleased to note that they are in a fool's paradise. *(Laughter).*

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* We are not joking. We are very serious.

Mr. President: Anything but joking? *(Loud laughter).*

LEGISLATIVE BUSINESS—GOVERNMENT BILLS

The Cochin Cattle Trespass Act (Amendment) Bill

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I beg to move that the Cochin Cattle Trespass Act Amendment Bill be taken up and finally passed.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. A. V. Moothedan *(Chalakkudi):* I oppose the motion. It has been stated yesterday that what is wanted is that administrative control of the pounds should be vested in the Revenue Officers. That is the object of the Bill though I do not agree with that. The House has accepted that principle. Then the question is whether the present Bill has gone farther than that. What I have to submit is this Bill has conferred judicial powers on a Tahsildar and I shall read to the House Chapter V of the Act. Chapters II, III and IV are the chapters dealing with administrative powers and chapter V with Judicial functions. According to chapter V, Sections 20, 21, 22, and 23 a person whose cattle has been illegally seized can make a complaint to the Magistrate. The Magistrate can hold a judicial enquiry and if it is found that the seizure was illegal can award compensation. That power is now sought to be conferred upon the Tahsildar. We are going back to the premitive times. Formerly we had Tahsildar-Magistrates exercising judicial functions. Now the judicial functions are sought to be given to the Tahsildars. I shall read Section 20 and 21.

"20. Any person whose cattle have been seized under this Act or having been so seized, have been detained in contravention of this Act may, at any time within ten days from the date of the seizure, make a complaint to the District Magistrate, or any Magistrate authorised to receive and try charges without reference by the District Magistrate.

21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against and make an enquiry into the case".

Therefore this is an effective remedy given to a person whose cattle might have been maliciously or without any lawful reason seized. Now that fundamental right of a citizen is taken away and is placed in an executive officer, a Tahsildar.

Mr. A. B. Salem *(Mattancheri):* Are you sure.

Mr. A. V. Moothedan *(Chalakkudi):* Why I am sure. I studied the Bill. Yesterday the Government wanted to rush through the Bill, and Government even refused to read it once more. I say this is a fundamental right affecting the rights of a citizen. My cattle may be seized by a friend of mine or an enemy of mine without any cause,and then what is my remedy? I have to go to the Tahsildar—the same officer who is responsible for the administration of the Act. If it is a Magistrate who makes an order when it is illegal we can go to the High Court for remedy. Now all these remedies are shut up. If any person wants to harass me he can seize my cattle. Therefore this is a very unjustifiable amendment, and I am very much against it and at this last stage also I bring this point to the notice of the House.

Mr. A. B. Salem *(Mattancheri):* Sir, I understood the amendment to be a substitution of the word "Tahsildar" instead of "Magistrate" and "Diwan Peishkar" instead of District Magistrate, only a verbal alteration; but if it encroaches on the principle that the functions of the executive and judiciary should be kept separate, a principle adopted when Mr. Banerji was our Diwan, then I must say that we cannot aupport this measure. It is for the Advoacte-

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